

Clerk  
District Court

NOV 30 2005

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

ORIGINAL

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Attorneys for Defendant  
JLH PACIFIC TRUST

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS**

PATTI C. BALLONE, *et al.*,  
Plaintiffs,  
v.

BERT MONTGOMERY, *et al.*,  
Defendants.

DAVID H. SCHMIDT, *et al.*,  
Plaintiffs,  
v.

BERT DOUGLAS MONTGOMERY, *et al.*  
Defendants,  
v.

UNITED FOREX INVESTORS, *et al.*,  
Third-Party  
Defendants.

**CIVIL ACTION NO. CV 03-0013**

**AFFIDAVIT OF  
BRIEN SERS NICHOLAS**

**AFFIDAVIT OF BRIEN SERS NICHOLAS**

BRIEN SERS NICHOLAS, being first duly sworn on oath, deposes and says:

1. Affiant is duly licensed to practice law in the United States District Court for the District of the Northern Mariana Islands and is the attorney for JLH Pacific Trust ("Trust") in

1 the above entitled action, and makes this Affidavit in support of the Trust's Ex Parte Request to  
2 Clerk for Entry of Default against Defendants Entrust Administration, Inc., Thomas Loveless, Ruth  
3 Loveless and David Howell (collectively "Defendants").

4 2. JLH's Third-Party Complaint filed herein on September 9, 2003 was served  
5 by publication upon Defendants as set forth in Proofs of Publication of Service of Process Upon  
6 Third-Party Complaint filed on November 17, 2005.

7 3. In accordance with Rule 12(a), Federal Rules of Civil Procedure, Defendant  
8 Entrust Administration, Inc.'s answer or other response was due on November 14, 2005, Defendants  
9 Thomas Loveless and Ruth Loveless' answer or other response was due on November 7, 2005 and  
10 David Howell's answer or other response was due on November 3, 2005.

11 4. Defendants have failed to plead or otherwise defend.

12 5. Defendants are not an infant, incompetent person, nor is he in the military  
13 service of the United States.

14 Further Affiant sayeth naught.

15  
16  
17  11/30/05  
18 BRIEN SERS NICHOLAS (CNMI Bar #F0163)

19 Subscribed and sworn to before me this 30th day of November, 2005.

20  
21   
22 Notary Public

23 **ROSEMARIE I. LAZARO**  
NOTARY PUBLIC

24 Commonwealth of the Northern Mariana Islands  
My Commission expires: 8/25/2007

